

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-218944 **DATE:** June 11, 1985
MATTER OF: Tudor Inns of America, Inc.

DIGEST:

GAO does not review affirmative determinations of responsibility except under limited circumstances not present here.

Tudor Inns of America, Inc., protests the proposed award of a contract to Hallmark Inn and Shoney's under invitation for bids (IFB) No. DAKF 23-85-B-0048, issued by the Department of the Army, Fort Campbell, Kentucky.

We dismiss the protest.

The IFB solicited bids for a contract to provide temporary lodging, meals, and transportation for Army personnel who are sent to Nashville, Tennessee to attend a short training session. Tudor and three other bidders were disqualified, leaving the fifth low bidder, Hallmark Inn and Shoney's, in line for the award. According to Tudor, Hallmark Inn and Shoney's failed to comply with the provisions of their prior contract for these same services and presently lack the proper equipment and facilities to comply with the provisions of the proposed contract. In support of this argument, Tudor lists 17 IFB specifications that it alleges Hallmark Inn and Shoney's cannot comply with or will not if given the award.

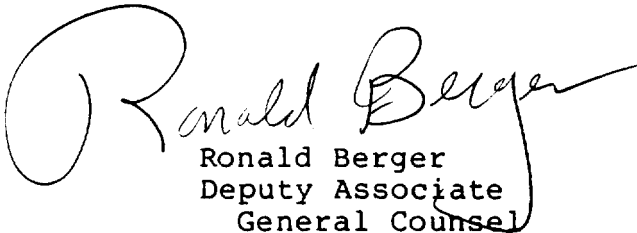
The protester's argument concerns the responsibility of Hallmark Inn and Shoney's. We do not review affirmative determinations of responsibility absent a showing of possible fraud or bad faith on the part of the contracting officials or that definitive responsibility criteria in the solicitation have not been applied. Bay Decking Co., Inc., B-216248, Jan. 22, 1985, 85-1 CPD ¶ 77. Since neither

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exception has been alleged here, we have no basis to substitute our judgment for that of the agency regarding the responsibility of Hallmark Inn and Shoney's.

Protest dismissed.



Ronald Berger
Deputy Associate
General Counsel